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10/023,735

12/21/2001

Timo Elomaa

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09/08/2005

BANNER & WITCOFF

1001 G STREET N W

SUITE 1100

WASHINGTON, DC 20001

EXAMINER

KHOMASSI, NIMA

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,735

Applicant(s)

ELOMAA ET AL.

Examiner

Nima Khomassi

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/21/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The application having Application No. 10,023,735 has a total of 37 claims pending in the application; there are 7 independent claims and 30 dependent claims, all of which are ready for examination by the examiner. Claims 1-37 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (herein referred to as Ito), U.S. Patent No. 6,912,652; filed May 4, 1999.

4. As per claim 1, Ito depict a content distribution control system, comprising:

a network having at least one terminal connected thereto (col. 3, lines 1-3; Fig. 1), a content creation tool operable to assign indicia representative of a pre-determined level of control of said content (col. 3, lines 16-20; Fig. 2), said content being subsequently made available to

- said network and said at least one terminal being responsive to said indicia to permit operations in relation to said content received from said network (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).
5. As per claim 2, including a communications link providing said tool with access to said network (col. 3, lines 14-20; Fig. 2).
 6. As per claim 3, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).
 7. As per claim 4, wherein said indicia is encrypted (col. 4 lines 6-9; Fig. 2).
 8. As per claim 5, wherein said terminal includes a user interface operable in accordance with said indicia to permit operations available to a user of said terminal in relation to said content (col. 3, lines 16-22), said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59).
 9. As per claim 6, a terminal having a first memory into which content is receivable (col. 3, 54-56), a second memory and a user interface operatively associated with said memories (col. 3, 56-59), such that a set of operations of said user interface in relation to said content received into said first memory is permitted by reference to said content (col. 3, lines 16-22), at least one of said operations permitted by said content being a

- transfer of said content to said second memory (col. 3, 54-59), wherein a set of operations of said user interface in relation to said same content when received into said second memory is similarly permitted by reference to said content (col. 3, lines 16-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).
10. As per claim 7, wherein said user interface is further operable to identify indicia associated with said content said permitted set of operations being determined therefrom (col. 3, lines 18-22).
 11. As per claim 8, wherein said first memory provides temporary storage of said content (col. 3, lines 49-53).
 12. As per claim 9, a method of creating content for controlled distribution comprises defining indicia representative of respective levels of control of content (col. 3, lines 18-20), determining a level of control appropriate to said content and assigning indicia to said content in accordance with said determination (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).
 13. As per claim 10, wherein said control permits at least one of the following operations, namely viewing, storing, deleting and forwarding of said content (col. 3, lines 21-22).
 14. As per claim 11, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).

15. As per claim 12, a method of receiving content including indicia representative of allowable operations in respect of said content (col. 3, lines 14-20), comprises receiving said content into a first memory (col. 3, lines 49-59), generating a list of allowable operations in relation to said content from said indicia and displaying said list to a user (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).
16. As per claim 13, wherein transfer of said content to a second memory is included in said list of allowable operations (col. 3, lines 21-22).
17. As per claim 14, wherein said first and second memories are respectively volatile and non-volatile (col. 3, lines 49-59).
18. As per claim 15, wherein the computer is operable in accordance with said code to carry out the method according to claim 9 (col. 3, lines 18-22).
19. As per claim 16, wherein the computer is operable in accordance with said code to carry out the method according to claim 12 (col. 3, lines 14-22; col. 3, lines 49-59).
20. As per claim 17, stored in a computer readable medium (col. 3, lines 18-22).
21. As per claim 18, a user interface accordance with for a terminal (col. 3, lines 14-16), wherein the interface is operable in an indicia associated with content received by the terminal (col. 3, lines 18-19), said indicia being

- representative of a pre-determined level of control of content (col. 3, lines 21-22), to permit operations available to a user of said terminal in relation to said content (col. 3, lines 21-22), said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).
22. As per claim 19, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).
23. As per claim 20, wherein said indicia is encrypted (col. 4 lines 6-9; Fig. 2).
24. As per claim 21, wherein said indicia is encrypted (col. 4 lines 6-9; Fig. 2).
25. As per claim 22, wherein said terminal includes a user interface operable in accordance with said indicia to permit operations available to a user of said terminal in relation to said content (col. 3, lines 14-16), said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59).
26. As per claim 23, wherein said terminal includes a user interface operable in according with said indicia to permit operations available to a user of said terminal in relation to said content (col. 3, lines 14-16), said

operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59).

27. As per claim 24, wherein said terminal includes a user interface operable in accordance with said indicia to permit operations available to a user of said terminal in relation to said content (col. 3, lines 14-16), said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59).
28. As per claim 25, wherein said first memory provides temporary storage of said content (col. 3, lines 54-56).
29. As per claim 26, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).
30. As per claim 27, a computer program comprising executable code for execution when loaded on a computer, wherein the computer is operable in accordance with said code to carry out the method according to claim 10 (col. 3, lines 21-22).
31. As per claim 28, a computer program comprising executable code for execution when loaded on a computer, wherein the computer is operable in accordance with said code to carry out the method according to claim 11 (col. 4, lines 6-9).
32. As per claim 29, a computer program comprising executable code for execution when loaded on a computer, wherein the computer is operable

in accordance with said code to carry out the method according to claim 13 (col. 3, lines 21-22).

33. As per claim 30, a computer program comprising executable code for execution when loaded on a computer, wherein the computer is operable in accordance with said code to carry out the method according to claim 14 (col. 3, lines 49-59).

34. As per claim 31, stored in a computer readable medium (col. 3, lines 14-22; col. 3, lines 49-59).

35. As per claim 32, a method of controlling distribution of content (col. 1, lines 31-32), comprising the steps of determining a level of distribution of content to be distributed (col. 3, lines 21-22), said level representing permitted uses of said content (col. 3, lines 21-22); and controlling distribution of said content by setting an indicia (col. 3, lines 21-22), corresponding to said content, to a state indicative of said level determined by said determining step (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).

36. As per claim 33, wherein said content to be distributed and said indicia are included in a datagram (col. 4, lines 6-9).

37. As per claim 34, wherein said indicia is a bit included in said datagram that has been set to a predetermined state corresponding to said level (col. 2, lines 3-5).

38. As per claim 35, comprising the steps of: receiving content and indicia corresponding to said content (col. 2, lines 3-5), said indicia being indicative of a level of distribution of said content (col. 3, lines 19-22), wherein said level represents permitted uses of said content (col. 3, lines 21-22); and in response to said indicia corresponding to said content, controlling use of said content such that said use is one of said permitted uses (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).
39. As per claim 35, wherein said content and said indicia corresponding to said content are included in a datagram (col. 4, lines 6-9).
40. As per claim 37, A method as claimed in claim 36, wherein said indicia corresponding to content is a bit included in said datagram that has been set to a predetermined state (col. 2, lines 3-5).

Conclusion

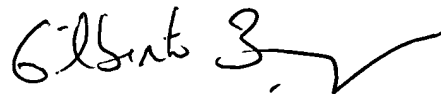
41. Any inquiry concerning this communication or earlier communications should be directed to Nima Khomassi whose telephone number is (571) 272-3775. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.
42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron Jr., can be reached at (571) 272-3799.

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43. The fax number for Formal or Official faxes to Technology Center 2100 is 571-273-8300. On July 15, 2005, the Central Facsimile (FAX) Number changed from 703-872-9306 to 571-273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for centralized delivery.
44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nima Khomassi
August 30, 2005
Art Unit #2132



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